

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Esperanza Zamora, individually;

Plaintiff,

V.

Walgreen Co. d/b/a Walgreen's; and
DOES 1 through 100; and ROE
CORPORATIONS 101 through 200,

Defendants.

Case No. 2:12-cv-01709-APG-NJK

**ORDER OVERRULING PLAINTIFF'S
OBJECTIONS TO ORDER DENYING
ADVERSE INFERENCE DUE TO
SPOILATION OF EVIDENCE**

(Dkt. No. 42)

Before the Court is Plaintiff's Objections [Dkt. No. 42] to Magistrate Judge Koppe's Order [Dkt. No. 34] regarding Plaintiff's Motion for Sanctions [Dkt. No. 24].

A magistrate judge's ruling on a non-dispositive matter will be modified or set aside only if "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); *see Fed. R. Civ. P. 72(a)*; *Grimes v. City & Cnty. of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991). In reviewing for clear error, a district judge may not simply substitute his or her judgment for that of the magistrate judge. *See Grimes*, 951 F.2d at 241. A magistrate judge's ruling is clearly erroneous only when the district court is left with a "definite and firm conviction that a mistake has been committed." *Burdick v. Comm'r Internal Rev. Serv.*, 979 F.2d 1369, 1370 (9th Cir. 1992); *see United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir. 2001) (noting that a magistrate judge's decisions about non-dispositive matters are entitled to great deference).

Upon careful review of the record in accordance with 28 U.S.C. § 636(b)(1)(A), (B), and (C) and Local Rule IB 3-1, the Court determines that Judge Koppe's ruling [Dkt. No. 34] is not clearly erroneous or contrary to law.

1 IT IS THEREFORE ORDERED that Magistrate Judge Koppe's Order [Dkt. No. 34] is
2 AFFIRMED, Plaintiff's Objections are overruled, and Plaintiff's Motion for Sanctions [Dkt. No.
3 24] is DENIED.

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5 DATED THIS 14th day of April, 2014.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE